File No. 24-17

Serial Nos. 143

1917-18

GENERAL AND REVENUE SECRETARIAT

Part A: Manuscript
for March 1918

dment of the Commercial Intercourse
with Enemies (Emergency) Regn XII of
1914

Serial Nos. 143

To Major E. H. S James
I. A Resident- Pol 777 dt 20 2/1918

forwards a copy of the Rule amend
Commercial Inter Course with Enemies (Emergency)
gn 1914 together with a Statement of objects and
easons

GENERAL AND REVENUE SECRETARIAT.

(Legs)

NOTES.

File No. 24-17

FILE HEADING.

Amendment of the Continental Intercourse with Enemies (Emergency) Regs, XII of 1914:

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Chief Secretary's Order in
G. M. fil 392-17 re letters written
to certain firms in Bavaria
by one Nanjundappa of Bangalore:-

Issue the letter & send
extract from the letter to Br III
to take action about amending
the Regn" — (Sd). C. S. B. 24.1.18

B. A copy of the Do. is put up.
Can this be forwarded to Br II
for necessary action

K.N.
28/1

T. E. Jayarama Iyer
28.1.18

General and Revenue Secretariat.

Legis File No. 24 of 1917

Serial No.

3) Subd. with a draft Bill and statement of objects and reasons

S.V.S
28/1/18 N.N

4) The draft is based on S 150 of Act XIV/1915, and may be approved.

29/1
C. Srinivasa Ayyar

Ext-Member

5) Approved
2
30/1
A.R. Banerji 30.1.1918

30/1/18

Ayer 18.

Secy

30/1/18

Extract from the Proceedings of the 440th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 7th February *19*18.

14. Subject.-Clause ii of the Schedule.

Draft bill to amend the Commercial Intercourse with Enemies (Emergency) Regulation of 1914.

OPINION OF THE COUNCIL.

The draft bill may be introduced into the Legislative Council and passed.

Sd. M. Visvesvaraya,
DEWAN OF MYSORE.

Legs File No. 24 of 1917.

To the Assistant Secretary, Branch III
for kindly submitting the file to the First Membe
of Council with a draft Final Note.

C.S. Balasundaram Iyer
6/12/18

draft Submission
Subs' with a d.f.n. and d.p.n

S.V.S
7/12/18

Submitted for favour of approval
A. Srinivasa Iyer 13/12

A.R. Banerji
2.12.18

First Member.
Fair final note signed by the 1st member to
go with up.

13/12/18

draft Submission Note
D.f.n. submitted
C.S. Balasundaram Iyer

Final Note by the First Member of Council

Subject:-

Draft Bill to amend the Commercial Intercourse with Enemies (Emergency) Regulation, 1914.

13) The Residency in their D.O. letter No.9029 dated 28th November 1917 brought to the notice of the Durbar certain letters written by one Nanjundappa in Bangalore to certain German manufacturers of gold and silver thread and requested the Durbar to inform them as to the action proposed to be taken in the matter. In the reply to the Residency it was stated that the action of the said Nanjundappa in writing the letters in question was not per se indictable under the law in force in Mysore and that immediate steps would be taken to embody in the law a provision similar to section 15 of the British Indian Act XIV of 1915.

The draft Bill framed for the purpose was considered in Council who are of opinion that the Bill may be introduced into the Legislative Council and passed.

15) This requires the gracious approval of His Highness the Maharaja.

Submitted to His Highn

16 *I submit herewith a Final Note by the* Second *Member of Council on the subject of* the draft Bill to amend the Commercial intercourse with enemies (emergency) Regulation, 1914, *for His Highness' gracious approval.*

A. Krishnaraja

Dewan.

16-2-1918.

N O T E.

Draft Bill to amend the 'Commercial Intercourse with Enemeies' Regulation'.

18 In connection with this Bill, which has to be introduced at the next meeting of the Legislative Council, I find that a slight correction has to be made in the draft in respect of the date from which the amendment is proposed to have effect. The original Regulation, having received the assent of His Highness the Maharaja on the 18th December 1914, came into force on that date and ~~xxx~~ retrospective effect to the present amendment can consequently be given only from the same date now and not the date/specified in the draft, viz., 14th October 1914. The latter date appears in the corresponding amending Act of British India which was followed in drafting the Bill here. 10

19 12. I find that a similar mistake crept into the draft amending Bill in British India in ~~the attempt to~~ reproduce the English law and was corrected when passing the Bill through the Imperial Legislative Council. It is unnecessary to adopt the same procedure here as the alteration of date required can be made prior to placing the Bill before the Legislative Council.

22) Signatures
to
C. Sivaswara Iyer

To Major E. H. S. James to the First
Assistant ~~to the~~ Resident in Mysore

No Pol 777 20th Feb: 1918

Forwards a copy of the Bill to amend the Commercial Intercourse with enemies (Emergency) Regn 1914 together with a Statement of objects and reasons

No 1439 dated 23/2/18
from the ~~First Asst to the Resident~~ F.A Resident in Mysore

Acknowledges the above letter and requests that the usual nos of copies be sent to the Residency when the Bill is passed into Law.

23) Secy. The Bill was placed before the Legis. Cl. on the 21st Feb: 1918 and by suspending the Rules of business was considered and passed at one sitting that day A copy of the Bill as finally passed in Engl. upn. sanction of H H

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 24 of 191 9

Serial No.

the Maharaja to promulgate the Bill into law as required

draft final note draft Submission note
d f n and d. s n is put up

S.V.S
25/2/18

Please put up. Ex ped copy
Ex
25/2

27) In favour of approval
A. Srinivasa Raya Ex 28/2

Asst Member 26) A.R Banerji
26.2

Fair Final note signed by the Member is put up
B.S. B.S
26/2

27) Draft Submission note
Put up
T.S. Balasundaram 27/2

Final Note by the First Member of Council

Subject:—

Promulgation of the Bill to amend the Commercial Intercourse with Enemies (Emergency) Regulation, XII of 1914.

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28 The Bill was introduced into the Legislative Council on the 21st February 1918 and by suspending the rules of business was passed that day.

29 For the reasons explained in the note dated 20th February 1918 by the Chief Secretary the date "18th day of December 1914" is substituted for the "14th day of October 1914" which appeared in the original draft Bill

30 The gracious approval of His Highness the Maharaja is required to promulgate the Bill into law.

Member of Council.

26th February 1918.

26.2.18

14

Submitted to His Highness.

24 31) *I submit herewith a Final Note by the* Second *Member of Council on the subject of* the promulgation of the Bill to amend the Commercial intercourse with enemies (Emergency) Regulation XII of 1914 *for His Highness' gracious approval.*

M. Vimadalal

Dewan.

18 Mar. 1918

General and Revenue Secretariat.

Legs File No. 24 of 191 7

Serial No.	
34	Subd. with a draft to the compiler Mysore gazette for publishing the ~~file~~ Regn as Regn II of 1918 S.V.S 8/3/18
35	Issue G. Srinivasa Ayya
3	To The compiler Mysore gazette No J 3751 9th Mar 1918 Notifies the promulgation of the Bill to amend the commercial Intercourse with enemies (Emergency) Regulation 1914 into law
	Spare copies of the Regulation have been received from the Press. Copies as usual have to be sent to the Residency and the Nizam's Govt. Two Drafts are put up S.V.S 20/3/18 N.N.
	Issue G. Srinivasa Ayya
4	To ~~The G. A. Resident~~ The Secy to the Govt of H.E.H. the Nizam No 4036 3rd April 1918 Forwards 2 copies of the above Regulation
5	To The G. A. Resident No Pol 915 dt 4-4-18 Forwards 9 copies of the same Regulation

Section Cresi

File No. 24-17

Serial No. 1

D. O / Pol 777 / Ex. 2 dated

Letter No.

20th February 1918

To The Secretary to the Hon'ble ~~the Registrar in Mysore~~

~~The Registrar of Co-operative Societies~~

in ~~Bangalore~~

Sir,

In continuation of para 4 of my D.O letter No. Pol. 676 dated 26th January 1918 I am directed to forward herewith 21 a copy of the Bill to amend the Commercial Intercourse with Enemies (Emergency) Regn., 1914, together with a statement of Objects and reasons and

to state that the Bill will be placed before the Legislative Council tomorrow

Yours sincerely

Do

Major E H.S. James
First Asst to the Hon'ble
the Resident of Mysore
Bangalore

G M 392-17-7

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

MARCH 1918

Judicial and Legislative.

(Legislation)

"A" Collection. Serial Nos.1-3

Amendment of the Commercial Intercourse with Enemies (Emergency) Regulation XII of 1914.

Table of contents.

Serial No.	Number and date of letter and contents	Page in A Proceeding
	Letter No. Pol 777 dated 20-2-1918 to the First Assistant to the Hon'ble the Resident in Mysore. Forwards a copy of the Bill to amend the Commercial Intercourse with Enemies (Emergency) Regulation 1914 together with a statement of objects and reasons and states that the Bill will be placed before the Legislative Council.	
	Letter No. 1439 dated 23-2-1918 from the First Assistant to the Hon'ble the Resident in Mysore. Acknowledges the above letter and requests that the usual number of copies of the proposed Regulation may be sent when the Bill is passed into law.	

Bill to amend the Commercial Intercourse with Enemies (Emergency) Regulation, 1914.

- - - -

Whereas it is expedient to amend the Commercial Intercourse with Enemies (Emergency) Regulation, 1914, as in force by virtue of Section 2 of the Emergency Legislation continuance Regulation, 1915; His Highness the Maharaja is pleased to enact as follows:-

After Section 2 of the Regulation the following new section shall be inserted as section 3 :-

"Section 3 of the Commercial Intercourse with Enemies Ordinance, 1914, as in force in Mysore, shall be read and construed as if after the word "contravenes" the words"attempts or directly or indirectly offers, proposes or agrees, or has, since the 14th ~~day of October~~ 18th day of December 1914, attempted or directly or indirectly offered, proposed or agreed, to do any act in contravention of" were inserted.

Statement of objects and Reasons.

- - - -

Under Section 3 of the British Indian Ordinance No.VI of 1914 which is in force in Mysore by the operation of Regulations XII of 1914 and II of 1915, trade relations with enemy subjects in contravention of the provisions of any Royal Proclamation or Order in Council are indictable. The Royal Proclamation of 5th August 1914 prohibits persons from entering into any commercial, financial or other contract or ~~objection~~ obligation with enemy subjects; but doubts having arisen whether attempts or offers to trade with such subjects were also indictable a section was added to the British Indian Enemy Trading Act, 1915 (XIV of 1915) to the effect that they are also punishable. As this Act is not in force in Mysore and is found necessary a similar provision is now proposed to be introduced into the law in force in Mysore.

In acknowledging with thanks the receipt your D.O. letter No.777 Pol., dated the 20th February 1918, I am desired to request that the usual number of copies of the proposed Regulation to amend the Commercial Intercourse with enemies (emergency) Regulation may kindly be sent to this Residency when the Bill is passed into Law.

Yours sincerely,

C.S. Balasundaram Iyer, Esq.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dear Sir,

With reference to your D.O. letter No.9029/ dated 28th November 1917 regarding the letters written by one Nanjundappa to certain manufacturers of gold and silver threads and lametta in Bavaria, I am directed to state as follows:-

2. The District Superintendent of Police, Bangalore, obtained a search-warrant from the District Magistrate of Bangalore and searched the house of the said Nanjundappa He found a good deal of gold and silver threads and on enquiry found that this man had been dealing in these wares for the last 13 or 14 years and that he used to obtain supplies from Madras, Bombay and Pondicherry The two letters in question are admitted to be genuine by Nanjundappa, who explains that he sent them as he did not know that correspondence with hostile foreigners was prohibited. In a letter dated 30th June 1917 found in his house which had been addressed by him to the German Consul at Bombay but returned to him through the Dead-Letter Office, he sought information whether correspondence with German firms was permissible and whether he could send orders to Germany for cotton or woollen goods etc. But there is nothing to show that he has imported goods from hostile firms subsequent to the introduction of Regulation XII of 1914.

3. The question is whether his sending the letters under reference is punishable. Under Section 3 of the British India Ordinance VI of 1914 which is in force in Mysore by the operation of Mysore Regulations XII of 1914 and II of 1915, trade relations with enemy subjects in contravention of the provisions of any Royal Proclamation or order in Council are indictable. The Royal Proclamation of 5th August 1914 prohibits persons from entering into any commercial, financial or other contract or obligation

with enemy subjects; but doubts having arisen whether attempts or offers to trade with such subjects were also indictable a section has been added to the British India Enemy Trading Act, 1915, (XIV of 1915) to the effect that they are also punishable but this Act has not been introduced yet into Mysore There does not also seem to be any Royal Proclamation or order in Council containing provisions similar to those found in section 15 of the Act of 1915 rendering attempts to establish trade relations punishable.

4. In these circumstances, the Government of His Highness the Maharaja are advised that the action of the said Nanjundappa in writing the letters in question is not per se indictable under the law as now in force in Mysore. Having regard to the circumstances of the case. they propose to warn the individual in question against a repetition of such action in future and to take immediate steps to embody in the law a provision similar to Section 15 of the British India Act XIV

Yours sincerely

(Sd) C. S. Balasundaram Iyer

DRAFT.

SUBJECT..... Promulgation of the Bill to amend the commercial Intercourse with enemies (Emergency) Regulation

A/

Section. Legs.
File No. 24-1
Serial No. 3

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. J 3757 (Legs) dated 9 CYB

Ordered that the accompanying Bill to amend the Commercial Intercourse with Enemies (Emergency) Regulation, 1914 which received the assent of His Highness the Maharaja, on the 5th day of March 1918 be published as Regulation No. II of 1918, in the *Mysore Gazette* for general information together with the statement of Objects and reasons

SB 3

Secretary to Government.

To SB 24

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of 100 spare copies in English, and 50 spare copies in Kannada to this office, and 100 spare copies in English and 50 spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Section. Legis
File No. 29-17
Serial No. 4

No. F 4036 (2) dated 3.4.1918

To The Secretary to the Govern-
~~The First Assistant to the Hon'ble~~
ment of H.E.H. the Nizam
~~the Resident in Mysore.~~
Judicial Dept. Hyderabad (Deccan)

Sir,

I am directed to forward herewith 2
copies of the Regulation to
amend the Commercial
Intercourse with Enemies
(Emergency) Regulation,
1914, No. II of 1918

Section. Legis
File No. 24-17
Serial No. 5

No. Pol. Q.45 dated 2.4.1918

To 2e. 9 copies

The First Assistant to the Hon'ble
the Resident in Mysore.

SIR,

~~As usual in your letter No. 443 Pol dated~~

I am directed to forward herewith 9 copies of the Regulation to amend the Communal Intercourse with Enemies (Emergency) Regulation, 1914, (No. II of 1918)

REGULATION No. II OF 1918.

A Regulation to amend the Commercial Intercourse with Enemies (Emergency) Regulation, 1914.

Received the assent of His Highness the Maharaja on the 5th day of March 1918.

Whereas it is expedient to amend the Commercial Intercourse with Enemies (Emergency) Regulation, 1914, as in force by virtue of Section 2 of the Emergency Legislation continuance Regulation, 1915; His Highness the Maharaja is pleased to enact as follows:—

Addition of a new section to the Regulation.

After section 2 of the Regulation the following new section shall be inserted as section 3:—

"Section 3 of the Commercial Intercourse with Enemies Ordinance, 1914, as in force in Mysore, shall be read and construed as if after the word 'contravenes' the words 'attempts or directly or indirectly offers, proposes or agrees, or has, since the 18th day of December 1914, attempted or directly or indirectly offered, proposed or agreed, to do any act in contravention of' were inserted."

M. VISVESVARAYA,
Dewan.

STATEMENT OF OBJECTS AND REASONS.

Under section 3 of the British Indian Ordinance No. VI of 1914 which is in force in Mysore by the operation of Regulations XII of 1914 and II of 1915, trade relations with enemy subjects in contravention of the provisions of any Royal Proclamation or order in council are indictable. The Royal Proclamation of 5th August 1914 prohibits persons from entering into any commercial, financial or other contract or obligation with enemy subjects; but doubts having arisen whether *attempts or offers to trade with such subjects* were also indictable a section was added to the British Indian Enemy Trading Act, 1915 (XIV of 1915) to the effect that they are also punishable. As this Act is not in force in Mysore and is found necessary a similar provision is now proposed to be introduced into the law in force in Mysore.